

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Ronaldo Patino Bandong v. Kilolo Kijakazi

Bandong v. Kijakazi · No. 2:21-CV-00318-KJN · Decided March 13, 2023

OPINION

(SS) Bandong v. Commissioner of Social Security

PER CURIAM.

FORSLUND LAW, LLC

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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RONALDO PATINO BANDONG,) Case No. 2:21-CV-00318-KJN

9) Plaintiff) STIPULATION AND 10

) ORDER FOR AWARD OF ATTORNEY'S

11 v.) FEES UNDER THE EQUAL ACCESS TO

) JUSTICE ACT (EAJA)

12 KILOLO KIJAKAZI,)

Acting Commissioner of Social Security,) 13) 14 Defendant)) 15

_____) 16 IT IS HEREBY STIPULATED by and between

the parties through their undersigned counsel, 17 subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees under the Equal 18 Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of SEVEN THOUSAND FIVE 19 HUNDRED dollars and ZERO cents (\$7,500.00). This amount represents compensation for all legal 20 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. sec. 2412(d). 21 After the Court issues an order for payment of EAJA fees and expenses to Plaintiff, the 22 government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to 23 Plaintiff's attorney. The government's ability to honor the assignment will depend on whether the 24 fees and expenses are subject to an offset allowed under the United States Department of the 25 Treasury's Offset Program pursuant to *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010). After the order of 26 EAJA fees and expenses is entered, the government will determine if they are subject to an offset. If 27 it is determined that Plaintiff's EAJA fees and expenses are not subject to an offset under *Astrue v. 28 Ratcliff*, 130 S. Ct. 2521 (2010) and the Department of Treasury's Offset

Program, then the check for 1 || EAJA fees and expenses shall be made payable to Jacqueline A. Forslund, based upon Plaintiff's > || assignment of these amounts to Plaintiff's attorney. The parties agree that whether these checks are 3 || made payable to Plaintiff or Jacqueline A. Forslund, such checks shall be mailed to Plaintiff's 1 attorney. This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the 5 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar 6 to, any and all claims that Plaintiff and/or Plaintiff's Counsel may have relating to EAJA attorney 7 || fees in connection with this action. 8 9 Respectfully submitted, Date: March 10, 2023 JACQUELINE A. FORSLUND 11 Attorney at Law 12 /s/Jacqueline A. Forslund

13 JACQUELINE A. FORSLUND

14 Attorney for Plaintiff 15 Date: March 10, 2023 PHILLIP A. TALBERT United States Attorney
16 17 /s/Caspar Chan

18 CASPAR CHAN

Special Assistant United States Attorney 19 *By email authorization 20 Attorney for Defendant
21 ORDER

22 || APPROVED AND SO ORDERED

23 Dated: March 13, 2023 24 —f' 25 || band.318 Pec Ahern

KENDALL

26 UNITED STATES MAGISTRATE JUDGE

27 28 Bandong v. Kijakazi Stipulation and Order E.D. Cal. 2:21-cv-00318-KJN